

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CHRISTOPHER IRWIN,**  
**Plaintiff**

**v.**

**WARDEN JOE PELZER, et al.,**  
**Defendants.**

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**Civil Action No. 04-246 Erie**  
**District Judge McLaughlin**  
**Magistrate Judge Baxter**

**ORDER**

\_\_\_\_AND NOW, this 25th day of July, 2005,

\_\_\_\_IT IS HEREBY ORDERED that Plaintiff's motion to amend complaint [Document #26], which seeks to add new allegations to clarify and/or supplement the claims contained in his original and first amended complaints, is GRANTED. Plaintiff's motion shall be deemed Plaintiff's second amended complaint and shall be deemed filed as of the date of this Order. Plaintiff shall serve a copy of the amended complaint upon each Defendant or his/her legal counsel on or before August 10, 2005, and shall file a certificate of service with the Clerk verifying the date and method of such service.

IT IS FURTHER ORDERED that the motion to dismiss filed by Defendants Chartiers Twp. Police Dept., and Ronald Raymond [Document # 24] is DISMISSED, without prejudice to Defendants' ability to restate and/or supplement said motion in response to Plaintiff's second amended complaint.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter  
**SUSAN PARADISE BAXTER**  
Chief U.S. Magistrate Judge